

## MINUTES

### COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

COUNCIL CHAMBERS, 736 RICHLAND AVENUE, W., AIKEN, S. C.

REGULAR MEETING – APRIL 6, 2004 – 7:00 P. M.

---

#### (A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order.

Council Members present:

Chairman Ronnie Young  
Kathy Rawls  
Scott Singer  
LaWana McKenzie  
Charles Barton  
Rick Osbon  
Willar H. Hightower, Jr.

Council Members absent:

Chuck Smith  
Eddie Butler

Also present:

J. Clay Killian, County Administrator  
Robert M. Bell, County Attorney  
Tamara Sullivan, Council Clerk

#### (B) INVOCATION

Councilman Hightower led in the invocation.

#### (C) PLEDGE OF ALLEGIANCE

Councilman Osbon led in the Pledge of Allegiance

#### (D) APPROVAL OF MINUTES

1. March 16, 2004 Worksession
2. March 16, 2004 Regular Meeting
3. March 23, 2004 Special Meeting

- a. Councilwoman McKenzie made a motion to approve the minutes. Councilwoman Rawls seconded.
- b. The minutes were approved by unanimous vote.

#### (E) APPROVAL OF AGENDA

- a. Councilwoman McKenzie made a motion to amend and approve the agenda as follows:
  1. Delete Public Hearing Item 2.
  2. Delay consideration of Old Business Item 2 until after Executive Session.

3. Delete Consent Item 18.
  4. Add Consent Item 19 – A Proposed Resolution to Delete the 1.6 Mile Portion of Flowing Wells Road (S-264) from New Holland Road to the S C Gas Pipeline on Flowing Wells Road from the List of Roads to be Paved Utilizing the Capital Projects Sales Tax.
- b. Councilman Osbon seconded the motion. The amended agenda was approved by unanimous vote.

(F) AWARDS AND RECOGNITIONS

1. Presentation of Safety Award to Mr. Oscar Rushton, Public Works/Engineering Department.  
(Ms. Joan Donnelly, Safety Committee Chairman)
  - a. Ms. Donnelly presented a check for \$50 to Mr. Rushton and reminded Council of the Employee Safety Fair being held at O'Dell Weeks on April 29, 2004.

(G) PUBLIC HEARINGS

1. Proposed Ordinance to Amend the Aiken County Code of Ordinances to Include Employees Under the Supervision of the County Legislative Delegation and the County Council Clerk in the County's Pay Grade Plan for Pay-For-Performance Increases.
  - a. No comments were made.
2. Proposed Ordinance to Approve the Sale of Assets and Transfer of the Franchise to Operate a Cable Television System in Aiken County by Pine Tree Cablevision, Inc. to I&E Broadband, LLC.
  - a. **DELETED**

(H) OLD BUSINESS

1. Proposed Ordinance to Consent to the Transfer of Control of the Holder of the Franchise to Operate a Cable Television System in Aiken County by Pond Branch Cable, Inc (aka PBT Cable Services, Inc) to Rock Hill Telephone Company.  
(Development Committee) (Third Reading)
  - a. Councilman Singer made a motion to approve the Ordinance. Councilwoman McKenzie seconded.
  - b. Passed by unanimous vote.
2. Proposed Ordinance Authorizing: (1) the Execution and Delivery of a Fee in Lieu of Tax Agreements by and Between Aiken County, South Carolina ("Aiken County") and Kimberly-Clark Corporation (the "Company"), Pursuant to Which Aiken County Shall Covenant in Such Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes; (2) the Benefits of a Multi-County Park to be Made Available to the Company; and (3) Other Matters Relating Thereto.  
(County Council) (Third Reading)
  - a. **CONSIDERATION DELAYED UNTIL FOLLOWING EXECUTIVE SESSION**

3. Proposed Ordinance to Authorize the Council Chairman to Execute an Easement to SCE&G for 7.5 Feet Along the Western Side of the Judicial Center Parking Lot on the Corner of Park Avenue and Chesterfield Street in the City of Aiken, South Carolina.  
(Development Committee) (Third Reading)
  - a. Councilwoman Rawls made a motion for approval. Councilwoman McKenzie seconded.
  - b. Passed by unanimous vote.
4. Proposed Ordinance to Amend the Aiken County Code of Ordinances to Include Employees Under the Supervision of the County Legislative Delegation and the County Council Clerk in the County's Pay Grade Plan for Pay-For-Performance Increases.  
(Development Committee) (Public Hearing and Third Reading)
  - a. Councilman Barton made a motion for approval. Councilman Singer seconded.
  - b. Passed by unanimous vote.
5. Proposed Resolution to Appoint One Person to the Capital Projects Sales Tax Commission.  
(County Council)
  - a. **NO APPOINTMENT WAS MADE**

(I) CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

I. REGULAR CONSENT AGENDA

1. Proposed Resolution to Appoint One Member to Designated Boards, Commissions and Committees with Terms of the Appointees to Run Concurrent with that of the Councilmember from Districts 1, 2, 3, 4, 5, 6, and 7.  
(Rawls, Singer, McKenzie, Smith, Butler, Barton, Osbon)
2. Proposed Resolution to Approve the Allocation of Funds for Various Non Profit Agencies from the FY 2004 Council Contingency Fund.  
(County Council)
3. Proposed Resolution Expressing Congratulations to Mr. James Handy Floyd on His 90<sup>th</sup> Birthday.  
(County Council)
4. Proposed Resolution to Accept a Grant from Palmetto Pride for Litter Prevention Education.  
(Development Committee)
5. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with T.B. Bulldozing, Inc. for the Andrews Circle Road Paving.  
(Development Committee)
6. Proposed Resolution to Authorize the County Administrator to Dispose of Surplus Property.  
(Development Committee)
7. Proposed Resolution to Accept a Grant from the South Carolina Department of Public Safety Juvenile Justice Programs for the Continuation of a Juvenile Services Investigator.  
(Judicial and Public Safety Committee)

8. Proposed Resolution to Accept Two Grants for a Juvenile Drug Court Program from the South Carolina Department of Public Safety.  
(Judicial and Public Safety Committee)
9. Proposed Resolution to Accept a Deed and Certificate of Title for an Extension of Pleasant Pointe Drive (C-2419), Royal Pine Drive, and Rosewood Circle in Pleasant Pointe Subdivision, Section II Located in Council District 6.  
(Barton)
10. Proposed Resolution to Accept a Deed and Certificate of Title for Sudlow Hills Court and a Detention Pond in Sudlow Hills Subdivision, Phase II Located in Council District 5.  
(Butler)
11. Proposed Resolution to Direct that Speed Limit Signs be Erected on Tennis Ranch Road (C-203) Located in Council District 3.  
(McKenzie)
12. Proposed Resolution to Authorize the Council Chairman to Execute a Right-of-Way Indenture Deed to Allow for the Realignment of a Portion of Andrews Circle (C-493).  
(Development Committee)
13. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Blair Construction for the Cummings Road Paving Project.  
(Development Committee)
14. Proposed Resolution to Waive Landfill Fees for the Demolition of a House Purchased by Valley Fair Baptist.  
(Development Committee)
15. Proposed Resolution to Waive Landfill Fees for the Disposal of Waste from the Demolition of a House by Bath First Baptist Church.  
(Development Committee)
16. Proposed Resolution to Authorize the Acceptance of ZEL Engineers, of Augusta, GA, as the Design Engineer for the Next 1.80 Miles (Waterwheel Road) of the Sales Tax Program.  
(Development Committee)
17. Proposed Resolution to Authorize the County Administrator to Accept a 2004 Local Emergency Management Performance Grant from the State of South Carolina, Military Department.  
(County Council)
18. Proposed Ordinance to Approve the Sale of Assets and Transfer of the Franchise to Operate a Cable Television System in Aiken County by Pine Tree Cablevision, Inc. to I&E Broadband, LLC.  
(Development Committee) (Second Reading)

**DELETED**

19. Proposed Resolution to Delete the 1.6 Mile Portion of Flowing Wells Road (S-264) from New Holland Road to the S C Gas Pipeline on Flowing Wells Road from the List of Roads to be Paved Utilizing the Capital Projects Sales Tax.  
**(ADDITION)**

- a. Councilman Osbon made a motion to approve the Consent Agenda. Councilwoman McKenzie seconded.
- b. The Consent Agenda was approved by unanimous vote.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2004 Aiken County Contingency Report as of March 18, 2004.

(K) INFORMAL MEETING OF WHOLE

- a. Mr. Steve Clark, a resident of Flowing Wells Road, questioned why the entire road could not be paved with its existing width. Mr. Clark stated that he would be willing to contact property owners to gain easements.
- b. Councilman Hightower made a motion to recess for Executive Session. Councilwoman McKenzie seconded.
- c. The motion to recess passed by unanimous vote.

RECESSED – 7:23 P. M.

(L) EXECUTIVE SESSION

1. Legal Matters:
  - a. Status Report on Pending Litigation, Legal Claims and Legal Advice. (County Attorney) (Verbal)
2. Contractual Matters:
3. Personnel Matters:

RECONVENED – 8:43 P. M.

Following Executive Session Council gave consideration to Old Business Item 2

Proposed Ordinance Authorizing: (1) the Execution and Delivery of a Fee in Lieu of Tax Agreements by and Between Aiken County, South Carolina (“Aiken County”) and Kimberly-Clark Corporation (the “Company”), Pursuant to Which Aiken County Shall Covenant in Such Agreement to Accept Certain Fees in Lieu of Ad Valorem Taxes; (2) the Benefits of a Multi-County Park to be Made Available to the Company; and (3) Other Matters Relating Thereto. (County Council) (Third Reading)

- a. Councilman Osbon made a motion for the approval. Councilwoman McKenzie seconded.
- b. Because the final draft of the FILOT Agreement had been received just prior to the meeting, Mr. Bell recommended that the Ordinance be amended and read the following into the record:
  1. The FILOT Agreement will be further amended to provide for an exhibit. The exhibit will be a Certification which Kimberly-Clark will have to make annually in which Kimberly-Clark certifies (1) the amount of capital investment it has

made in the expansion project, and (2) the number of new, full time jobs that it has created.

2. The time period shall be 180 days from receipt of the Certification described in 1 above as opposed to 120 days.
3. A chart or timeline shall be prepared for the County which sets forth the investment and employment levels which must be met by Kimberly-Clark by the various deadlines set forth in the FILOT Agreement.

- c. Councilman Osbon made a motion to amend the Ordinance to include the proceeding recommendation made by Mr. Bell. Councilwoman McKenzie seconded the amendment motion.
- d. The amendment passed by unanimous vote.
- e. The amended Ordinance passed by unanimous vote.
- f. Councilman Osbon made a motion to adjourn the meeting. Councilman Barton seconded.
- g. The motion to adjourn passed by unanimous vote.

(M) ADJOURNMENT – 8:46 P. M.

Respectfully submitted,

SIGNED:

---

Tamara Sullivan, Council Clerk

---

Ronnie Young, Chairman